

**UNITED STATES DEPARTMENT OF COMMERCE****United States Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/517,974	03/03/00	LARSON	S 13661-107

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PM82/0723

EXAMINER

STRIMBU, G

ART UNIT

PAPER NUMBER

3634

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DATE MAILED: 07/23/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/517,974

Applicant(s)
S. Larson

Examiner
Gregory J. Strimbu

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3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 23, 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Mar 3, 2000 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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Drawings

The drawings are objected to because the applicant has failed to use the proper cross sectional shading when showing the invention in cross section. See figures 5 and 6 wherein the applicant fails to show the gasket 16 with any cross sectional shading. See MPEP 608.01.

Correction is required.

Applicant ***is required*** to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. It is suggested that the applicant amend the title to include the gasket with anti-roll extensions as set forth in claim 1.

Claim Rejections - 35 USC § 112

Claims 6 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Recitations such as "on the frame" on line 2 of claims 6 and 13 render the claims indefinite because it is unclear how the pockets can be on the frame when it appears that the pockets are in the frame.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-11 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonald in view of Ryan et al. McDonald discloses a door and frame combination, the combination comprising a frame 10, a hinged door 56 engaging the frame, the door 56 further comprising a front wall (not numbered), rear wall (not numbered), and side walls (not numbered) enclosing a hollow core (not numbered) and insulating material 66 filling the hollow core, and a gasket 52 between the door and the frame, the gasket further comprising a flexible gasket wall. The insulating material is a polyurethane foam. The gasket includes a hollow central core (not numbered, but seen in figure 2). As shown in figure 1, the door includes a window (not numbered). McDonald is silent concerning anti-roll extensions.

However, Ryan et al. disclose a gasket 10 for sealing between a door and a door frame having anti-roll extensions 15, 16, 17, 20 and 21.

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It would have been obvious to one of ordinary skill in the art to provide McDonald with anti-roll extensions, as taught by Ryan et al., to improve the sealing between the door and the frame.

With respect to claims 3 and 10, it would have been no more than an obvious matter of engineering design choice for one with ordinary skill in the art to provide the side walls with a thickness of 2 inches to improve the insulating value of the door.

With respect to claims 7, 9 and 14, it would have been no more than an obvious matter of engineering design choice for one with ordinary skill in the art to manufacture the door with a high density polyurethane to improve the strength of the door or an expanding polyurethane foam to improve the insulating characteristics of the door.

Claims 1, 5, 9, 12 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuchs et al. in view of McDonald, Ryan et al. and Colliander. Fuchs et al. discloses door and frame combination, the combination comprising a frame 6, a hinged door 1 engaging the frame, the door 1 further comprising a front wall 4, rear wall 5, and side walls (not numbered) enclosing a hollow core (not numbered) and a gasket 27, as shown in figure 2, between the door and the frame, the gasket further comprising a flexible gasket wall (not numbered). Fuchs et al. is silent

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concerning anti-roll extensions, insulting material filling the hollow core and a friction reducing material.

However, McDonald disclose a door 56 comprising a polyurethane foam insulating material and a window in the door.

It would have been obvious to one of ordinary skill in the art to provide Fuchs et al. with an insulating material and a window, as taught by McDonald, to increase the insulating ability of the door.

Additionally, Ryan et al. disclose a gasket 10 for sealing between a door and a door frame having anti-roll extensions 15, 16, 17, 20 and 21.

It would have been obvious to one of ordinary skill in the art to provide Fuchs et al. with anti-roll extensions, as taught by Ryan et al., to improve the sealing between the door and the frame.

Finally, Colliander disclose a gasket comprising a friction reducing material 21 on a gasket wall 19.

It would have been obvious to one of ordinary skill in the art to provide Fuchs et al. with a friction reducing material, as taught by Colliander, to ensure the easy opening and closing of the door.

With respect to claim 9 it would have been no more than an obvious matter of engineering design choice for one with ordinary skill in the art to manufacture the door with an expanding polyurethane foam to improve the insulating characteristics of the door.

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With respect to claims 16 and 18, it would have been no more than an obvious matter of engineering design choice for one with ordinary skill in the art to use an expanding polyurethane foam to improve the insulating characteristics of the door or a high density polyurethane foam to improve the strength of the door and frame.

With respect to claim 20, it would have been no more than an obvious matter of engineering design choice for one with ordinary skill in the art to provide the side walls with a thickness of 2 inches to improve the insulating value of the door.

Response to Arguments

Applicant's arguments filed April 23, 2001 have been fully considered but they are not persuasive.

In response to applicant's argument that McDonald is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both the applicant and McDonald are concerned with the simple problem of providing an insulated enclosure with a door and a door seal to properly seal the door with respect to the enclosure. Merely because the applicant's enclosure is intended to be used as an air handling unit (see claim 1, line 1) and McDonald is intended to be used in toxic conditions does not sufficiently define the invention over the prior art or make the

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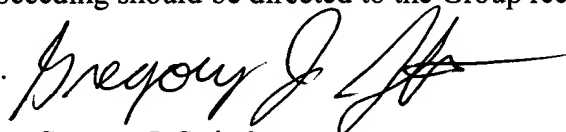
rejection above untenable. Moreover, it is unclear how McDonald could not be used for an air handling unit since it discloses the exact same structure as claimed, but for the anti-roll extensions.

In response to applicant's argument that Ryan et al. is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both Ryan et al. and the applicant are concerned with the problem providing a sealing engagement between a door and a door frame.

Conclusion

THIS ACTION IS NOT MADE FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is (703) 305-3979. The examiner can normally be reached on Monday through Friday from 8:00 A.M. to 4:30 P.M. The fax phone number for this Group is (703) 305-3597. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.



Gregory J. Strimbu
Patent Examiner
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